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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

NORTHWEST ENVIRONMENTAL
ADVOCATES, an Oregon non-profit
corporation,

Civil No.: 3:12-cv-01751-AC

DECLARATION OF NINA BELL

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, a United States
Government Agency,

Defendant,

and

STATE OF OREGON; OREGON WATER

QUALITY STANDARDS GROUP; and THE
FRESHWATER TRUST,

Intervenors-Defendants.

I, Nina Bell, hereby declare:

1. I am the Executive Director of Northwest Environmental Advocates (“NWEA”); I have worked with NWEA since 1977. I make this declaration to demonstrate that NWEA has standing to sue and to show that NWEA’s members, including myself, have been injured by the U.S. Environmental Protection Agency’s (“EPA”) failure to comply with the requirements of the Clean Water Act, Endangered Species Act, and Administrative Procedure Act in its approvals or findings related to Oregon’s Total Maximum Daily Loads (“TMDLs”).

2. Founded in 1969 and incorporated in 1981, NWEA’s mission is to work through advocacy and education to protect and restore water and air quality, wetlands, and wildlife habitat. In furtherance of this mission, NWEA advocates on behalf of, protects, and restores the natural environment, with a particular focus on issues involving the Clean Water Act (“CWA”). Although NWEA’s focus is mainly on issues in Oregon, Washington, and Idaho, we frequently advocate at the national level as well.

3. NWEA uses a mix of approaches including negotiation, litigation, education, community organizing, and advocacy with state, federal, and local agencies to obtain the best outcome for public health and the environment. For example, by participating in notice and comment proceedings, agency advisory committees, mediation, and other public participation processes, NWEA works to involve the public in government decisions that affect water quality and species throughout the Northwest and to achieve positive outcomes for our members and the

environment. One of NWEA's primary goals is to increase habitat quality and abundance for cold-water aquatic species, especially threatened and endangered salmonids such as salmon, steelhead, and bull trout. But NWEA is also very concerned about protections for other cold-water species such as frogs and salamanders, the populations of which are in serious decline but that do not currently have protection under the Endangered Species Act ("ESA") and are not generally well protected under the CWA. Likewise, NWEA is equally concerned with protecting wildlife, from those at the top of the food chain affected by toxics to highly pollution-sensitive freshwater mollusks such as mussels and snails. Populations of these species are also in severe decline from water pollution. Finally, NWEA has always been and will continue to be concerned with protecting human health from cancer and other chronic diseases caused by a range of pollution types, from toxics to untreated sewage, through a range of human activities, from eating fish to swimming.

4. NWEA has been a leader in advocating for cleaner and healthier waters in Oregon for roughly 29 years by seeking protective water quality standards, controls on point and nonpoint sources of water pollution, development of effective water cleanup plans, and assuring that those plans are carried out. For instance, NWEA successfully compelled Oregon to commit to developing TMDLs. I continue to advocate with Oregon on ways to use these TMDLs to actually restore water quality to currently-impaired rivers, streams, lakes, and estuaries. Similarly, my past work as co-chair of the \$2.4 million Bi-State Lower Columbia River Water Quality Study, long-term efforts by NWEA to establish that study, and opposition to deepening the channel of the Columbia River and increasing erosion of coastal beaches, have established NWEA as a protector of the Columbia River estuary. Representing NWEA, I was also very involved in Oregon's revision to its water quality standards for toxics, and working to increase

Oregon's attention to controlling nonpoint source pollution through that process. My continued work makes NWEA especially effective in working towards water quality improvements.

5. Addressing temperature pollution in Oregon has been an over two-decade effort by NWEA that began with Oregon's decision to revise its temperatures standards in its 1992-1994 triennial review of standards. Temperature is a pollutant that is relatively inexpensive and easy to measure. It is both highly relevant to the many cold-water species in Oregon and it also serves as an indicator of the many ills that befall Oregon's streams, namely the loss of riparian vegetation that shades the water, maintains groundwater flows, limits inflow of numerous pollutants such as nutrients and toxics, and keeps river banks intact. Because of the importance of cold water to Oregon water quality and species and NWEA's commitment to ensuring protective water quality standards for temperature, NWEA played a very active role in the Oregon Department of Environmental Quality ("DEQ") advisory committee that resulted in the 1996 temperature standards. NWEA was equally involved in the public process to revise those standards in 2003, following a federal court's order in our lawsuit challenging EPA's approval of the 1996 standards. Among the significant improvements were the use designation maps that denote where and when salmonids use Oregon's waters for rearing and spawning.

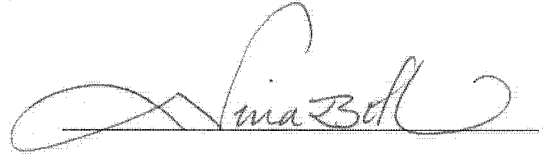
6. Ensuring that water quality standards are set to protect human health and species is just the first step in the CWA's water quality-based pollution control approach. Of equal importance is identifying which waters fail to meet those standards and then establishing the TMDLs that should act as a blueprint for cleaning up excess water pollution. NWEA was a co-plaintiff in litigation to obtain Oregon's commitment to develop TMDLs. NWEA has participated in some of the public processes to develop the TMDLs including an advisory committee for the Willamette TMDL process and submitting public comments. While NWEA is

most frustrated in its efforts to use the CWA's TMDLs to spur better pollution controls—the most fundamental of its goals—the organization is manifestly frustrated in seeing the TMDLs' being used to essentially eliminate the protections provided by the specific use designation maps and numeric temperature criteria it has worked so hard to establish. This has been the result of Oregon's use of the Natural Conditions Criterion that NWEA also subsequently challenged.

5. Many of NWEA's members consider NWEA as particularly expert in issues affecting water quality and salmon health, and rely on NWEA for education, information, and alerts on public participation opportunities. Many NWEA members, as well as members of the general public, request assistance from NWEA on concerns they have, from specific pollution problems to strategies on how to clean up entire watersheds. NWEA is known particularly for the high quality of its advice and its willingness to assist others, both in the Northwest and across the country. NWEA communicates with its members directly, thorough our newsletters, press releases, e-mail, and with our website. NWEA also offers public education programs focused specifically on water quality, including educational maps and speaking engagements with schools, colleges, and conferences. Further, NWEA's members are invited to participate in proposing creative solutions to improve the health of Oregon's waters and have frequently been the original source of information upon which NWEA has acted to advocate for cleaner waters. The interests of NWEA's members would be served by a favorable outcome in this case.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Signed this 25th day of November, 2014.

A handwritten signature in cursive script, appearing to read "Nina Bell", written over a horizontal line.

NINA BELL